

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL J. GARCIA,

Defendant.

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CRIMINAL NO. 19-CR-522-4

**GOVERNMENT’S MOTION TO COMPEL
RECIPROCAL RULE 16 DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Southern District of Texas and the Chief of the Public Integrity Section of the Criminal Division of the Department of Justice and respectfully submits this Motion to Compel Reciprocal Rule 16 Discovery from defendant Daniel J. Garcia (“Garcia”).

On March 29, 2021, the government filed a motion to compel the production of reciprocal Rule 16 discovery after each of the defendants refused to produce any such discovery, claiming that they were not obligated to do so. Dkt. No. 237.

During an April 1, 2021 hearing on that motion and other matters, this Court ruled that the defendants were obligated to provide reciprocal discovery under Rule 16 and that the defendants’ discovery must be produced no later than two weeks from that date, or April 15. Apr. 1, 2021 Hr’g Tr. at 7-8, 18-19.

On April 15, counsel for Garcia did not provide any Rule 16 discovery to the government. The government requested any reciprocal discovery on April 17 and were informed on April 21 that Garcia had no reciprocal discovery to provide at that time.

On August 23, 2021, counsel for Garcia filed witness and exhibit lists, as required by this Court's scheduling order. Garcia's exhibit list included several documents, each of which described in general terms without additional identifying information, such as a Bates number.

On August 30, the government requested clarification as to whether the documents listed on the exhibit list were new documents or copies of documents provided to the defense by the government. On September 10, counsel for Garcia responded that only some documents were from government discovery and that the discovery would be provided "next week." No discovery was provided the following week.

On September 28 and October 21 the government requested Garcia's discovery. Counsel did not reply to either email.

CONCLUSION

WHEREFORE, premises considered, the Government prays that the Government's Motion to Compel Reciprocal Rule 16 Discovery be GRANTED.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2021 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will, in turn, send notification of said filing to all counsel of record through the CM/ECF System, and emailed a copy of the document and exhibits to all counsel of record.

/s/ Peter M. Nothstein

Peter M. Nothstein

Deputy Chief

Public Integrity Section

CERTIFICATE OF CONFERENCE

I hereby certify that on pursuant to Criminal Local Rule 12.2 the Government conferred with counsel for Garcia and agreement could not be reached on the disposition of the motion.

/s/ Peter M. Nothstein

Peter M. Nothstein

Deputy Chief

Public Integrity Section